

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

AMS, LLC,

ORDER

Plaintiff,
v.

14-cv-119-jdp

BEAR ARCHERY, INC.,

Defendant.

In anticipation of the final pretrial conference scheduled to take place on Thursday, October 8, 2015, at 4:00 p.m., the court previews several issues for the parties' consideration.

First, the court has determined how it will rule on the parties' cross motions for summary judgment. The court will issue its full order in several days, but the court's rulings will be as follows:

1. The court will grant summary judgment to Bear Archery on all contested infringement issues. Version I does not infringe claims 14 and 16, either literally or under the doctrine of equivalents. Version III does not infringe claims 30 and 33, either literally or under the doctrine of equivalents.
2. The court will grant summary judgment to Bear Archery on the issue of intervening rights. Bear Archery is entitled to absolute intervening rights with respect to 5,000 Version I five-packs and 20,000 Version I slides.
3. Bear Archery has conceded that Version II infringes claims 30 and 33.
4. The court will deny AMS's motion to amend the pleadings.
5. Invalidity and damages will be the sole issues at trial.

Second, the parties should be prepared to discuss their pending motions in limine and the conduct of the trial at the final pretrial conference.

Third, the court has attached near-final versions of the voir dire and introductory jury instructions to this order. The parties should review these documents in anticipation of the final pretrial conference, as the court expects to finalize these documents at that time.

Entered October 7, 2015.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge